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ABSTRACT

The 1954 Supreme Court decision in "Brown v. Board of Education" brought a legal (though hardly political or social) end to the practice of segregated education in the United States, and has accurately been described as both a major legal victory for the civil rights movement and as a precursor to other battles that were still to be fought in the 1950s and 1960s. This paper looks at the legal history that led to this decision, emphasizing graduate and professional education. The focus of the essay is three-fold: (1) a brief look at the development of the legal doctrine known as "separate but equal" and the adjoining history of segregation in education; (2) a description of the Supreme Court at the time immediately preceding the "Brown" decision; and (3) an analysis of two key pre-"Brown" decisions--"McLaurin v. Oklahoma State Regents" and "Sweat v. Painter." (Contains 40 endnotes.) (SLD)

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"Almost Over: 'Separate But Equal' Flunks Out of Graduate School"

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The 1954 Supreme Court decision in *Brown v Board of Education*[1] brought a legal (though hardly political or social) end to the practice of segregated education in the United States, and has accurately been described as both a major legal victory for the civil rights movement, and as a precursor to other battles that were still to be fought in the 1950s and 1960s. To understand better the legal and rhetorical impact of this decision, we need to look a bit more closely at the legal history that led to this decision. The focus of this essay is three-fold: First, a brief look at the development of the legal doctrine known as "separate but equal" and the adjoining history of segregation in education; second, a description of the Supreme Court at the time immediately preceding the *Brown* decision; and finally, an analysis of two key pre-*Brown* decisions: *McLaurin v. Oklahoma State Regents*[2] and *Sweatt v. Painter*[3]

A brief history of the "separate but equal" concept

When the legal theory of "separate but equal" is discussed, it often begins and ends with an analysis and condemnation of the 1896 *Plessy v. Ferguson*[4] decision. This decision is certainly the most noteworthy in this sordid legal history, but *Plessy* neither appeared out of nowhere nor left without a trace.

Separate but equal started and spent a good deal of its legal life in railroad cars. Most of the southern states (and not a few of the Northern states) passed laws that required that public travel be conducted in a segregated manner, or, conversely, that integrated travel be outlawed. Most of the decisions in this legal arena rested not upon interpretations of the 14th Amendment, but upon discussions concerning what every first year law student

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learns as a font of regulatory power, the Interstate Commerce Clause. Decisions were handed down, laws passed and overturned, based on how the courts and the legislatures interpreted the ICC impact upon interstate travel.

Starting in 1873, the Supreme Court, in *Washington, Alexandria & Georgetown R. Co. v. Brown*[5], upheld a claim of damage for a black passenger who had been evicted from the "white" car on a railway that operated in the District of Columbia. This railway operated under a congressional authorization which prohibited discrimination based on color. The Court upheld the claim and supported the law[6] in this case, but there was no real precedent set, as the District of Columbia was essentially a dependent of the federal government. All this case did was confirm that all passengers must have access to all rail cars that were operated by this company in the District of Columbia.

The Court moved on to develop the separate but equal doctrine in a number of cases following the passage of the Civil Rights Act of 1875, an act which stated that all people living in the United States were to be treated equally in public places, regardless of race or color[7]. In 1878, in *Hall v Decuir*[8], the Court held that a Louisiana statute prohibiting discrimination by race/color in public transportation was unconstitutional, as it was a burden on interstate commerce since some states prohibited whites and blacks from traveling together. By this reasoning, interstate commerce was infringed upon if a company were to be required to maintain separate but equal arrangements in one state, while at the same time prohibited from segregating by color in another state. The Court simply ignored the CRA of 1875, and used the ICC as a means to bypass the equal treatment provision of the CRA.

The Court could not continue to simply flaunt the 1875 CRA, so in 1883, in the *Civil Rights Cases*[9], the Court found that the 1875 CRA was an extremely limited law. The Court, in a case involving a black woman's exclusion from the ladies car on an interstate train, ruled that the 14th Amendment only provided protection against state action, not action by a private party. Therefore, the 1875 CRA could only be read as also only providing protection against state action. Private persons, and corporations which had the legal protection of personhood, could not, by law, violate the equal protection clause of the 14th Amendment.

The Court was now ready to bless the concept of separate but equal. In *Louisville, Texas, & New Orleans R. Co. v. Mississippi*[10] the Court found that Mississippi could segregate passengers in separate but equal cars. This decision seemed to contradict the *Decuir* decision of a few years earlier, that state by state laws would burden interstate commerce. The Court distinguished this case by agreeing to Mississippi's contention that its laws only applied to intrastate commerce. The court did not attempt to explain what happens when the rail line reaches the state line.

Finally, in 1896, the Court set into precedential cement separate but equal. In *Plessy*, the Court held that a Louisiana statute requiring the separation of races on public carriers did not violate the 14th Amendment provision of equal protection under the law. The Court's argument was simple, and had been presaged by the decision in the *Civil Rights Cases* of 1883: The 14th Amendment applied only to legal issues, not to social

issues such as abolition of color barriers.

Opponents of the separate but equal doctrine tried to chip away at it, but given the Court's careful (though flawed) development of the concept, as well as a lack of belief in the ability of the federal government to intervene in state laws and regulations, opponents were forced to attack the provision by granting one of its claims: that only via the ICC was it possible to show that segregation was illegal.

In *Chiles v. C. & O. Rwy. Co.*,[11] the Court held that segregated accommodations on a Kentucky railway were done according to the rail company's policy, disregarding that the company policy was done because of a Kentucky "separate-coach" law. In *South Covington & Cincinnati Street Railway Co. v. Kentucky*[12] the Court held that Kentucky's "separate-coach" policy was not a burden on interstate commerce because the company, despite carrying 80 percent of passengers interstate, was essentially an intrastate company within Kentucky. Of course, five years earlier the Court had found that the company was an interstate operation in *South Covington & Cincinnati Street Railway Co. v. Covington*[13].

A Brief History of Segregation in Education

The flaws of separate but equal were probably most notable in education, but the Court for years refused to even consider the issue[14]. In *Cumming v. Richmond County Board of Education*[15] the Court held that a Georgia school board's decision to close a high school for black students so as to use the school for elementary education for blacks, without any plan to continue high school education for blacks, was not a violation of the separate but equal provision. The Court actually sidestepped the issue, focusing instead on the plaintiff's call for an injunction against the operation of the white high school until a black school could be built. The Court also noted that regulation of education was a state issue, and that the federal government could only intercede in the case of clear violation of constitutional rights[16].

Separate but equal was soon extended to private educational institutions which operated in segregated states. In *Berea College v. Kentucky*[17] the Court held that a Kentucky law requiring segregation applied to private institutions as well. The Court's argument was that Berea College was a corporation created by the state, and therefore the state statute could be seen as simply an amendment to the corporate charter. There was no individual denial of service, only a change in the corporate charter. The Court was therefore able to once again sidestep the issue of separate but equal as a violation of equal protection in education.

The next move made by the Court cemented separate but equal into place, without the Court ever having to deal with the substantive issues raised by those who claimed that the 14th Amendment prohibited segregation in public schools and other educational institutions which received state funding or oversight. In *Gong Lum v. Rice*[18] the Court held that Mississippi could require that a student of Chinese descent attend the segregated school for nonwhites. The Court argued that previous Supreme Court and appellate decisions had made this a settled issue of law, therefore there was no need for a full review of the merits of the case. This argumentative strategy was borrowed almost in whole from the segregated travel cases. The Court essentially sidesteps the key oppositional arguments, does so for a

number of cases, builds a record of supporting separate but equal as a legal doctrine, and then uses that precedential record to continue to refuse to consider attacks on the doctrine.

Just as in the transportation area, the Court had created a fairly solid if questionable legal foundation for separate but equal, and just as in the transportation area, the more activist Roosevelt Court started chipping away at that foundation without ever directly attacking the concept of separate but equal. For education, the emphasis became ensuring equality in the separate but equal schools.

In *Missouri ex rel. Gaines v. Canada*[19] the Court ruled that the Missouri system of denying the admittance of blacks to the state law school and paying the tuition for those students at law schools that were not segregated did not meet the principle of separate but equal. The Court's argument was that the state was offering a privilege to white students that was not available to black students, therefore there was no equality in this situation. Missouri responded by setting up a separate (and inferior) law school for black students. This issue was dealt with in the next case.

In *Sipuel v. Board of Regents of the University of Oklahoma*[20], decided in 1948, Oklahoma excluded a black student, Ada Sipuel. Court ruled per curiam reaffirming *Gaines*. The state district court issued an order requiring the state to offer a law school for black students, and to enroll Sipuel until and unless that school was ready. Oklahoma refused to enroll Sipuel (now married and with the last name Fisher) Sipuel/Fisher[21] asked the court for a writ of mandamus. The Court refused, arguing that the question of the state having to create a separate

law school for blacks was not at issue in the original case. Thus, the Court left Sipuel/Fisher out of school, left intact separate but equal, and set the stage for arguments over whether separate but equal, at least in higher education, could ever truly be equal.

The Vinson Court

Frederick Moore Vinson was sworn in as Chief Justice of the United States Supreme Court on June 24, 1946, replacing former CJ Harlan Stone, who had died in April of 1946, and remained on the Court as CJ until his death, September 8, 1953[22]. Melvin I. Urofsky[23] stated that Vinson was appointed in spite of the desire of Justice Robert Jackson for the CJ position. Jackson had been Franklin Roosevelt's choice to replace Stone, but when Stone died, opening the way for a new CJ, Harry Truman was in office, not Roosevelt, and Truman,noting the strife on the court that had been attributed to Jackson's role in the Nuremburg War Crimes Trial appointed Vinson instead.

Vinson was born in Kentucky, studied law and entered Congress in 1924. Vinson worked closely with the Roosevelt Administration, and played a significant role in New Deal legislation, notably the Social Security Act of 1935 and the Revenue Act of 1937[24]. Vinson was seen as an able and very loyal politician, and he was rewarded for his loyalty with an appointment to the Court of Appeals for the District of Columbia circuit, generally considered the second most powerful court in the United States. Vinson continued to serve Roosevelt during WWII, when Roosevelt first named him chief judge of the Emergency Court of Appeals in 1942[25], then Vinson became director of the Economic Stabilization Board in 1943, and then the head of the Office of War Mobilization and Reconversion.

head of the Office of War Mobilization and Reconversion. Upon Roosevelt's death in 1945, Vinson continued to serve the Truman administration, and was named by Truman to his cabinet as Secretary of the Treasury. Truman then named Vinson as the new chief justice replacing the deceased Harlan Fiske Stone.

Urofsky stated that the main reason Vinson was appointed to the Court was for his loyalty to the New Deal, to Roosevelt and then to Truman. Vinson was also characterized as friendly, humorous and patient, the type of person who generally gets along and goes along with others, and tries to make everyone else get along as well. It was this last aspect that probably motivated Truman as much as any. The Stone court had been divisive, and Truman sought a CJ who could bring the Court together and form a Court that would put together what could be viewed as coherent jurisprudence. Though the more fractious members of the Court (Felix Frankfurter, William O. Douglas and Hugo Black) actually seemed to like Vinson, he was nevertheless unable to craft a unified Court.

Vinson's problems, Urofsky argued, were not that he wasn't a brilliant legal scholar (he wasn't) or a good administrator/manager (he was), but that he seemed to be either unaware or uncaring about the manner in which the Court operated, and the degree to which the Court, while always influenced by politics, was still a very different place than a legislature. The independence of the other Justices was something that Vinson was simply not that used to or prepared for. His style of management was better suited to the type of situation that allowed for and even required some form of strong central leadership, or at least central coordination.

Vinson's own work habits and thought patterns also seemed to be out of step with the Court[26]. A biographer of Vinson, James Thomson, noted that Vinson was more concerned with solving a specific problem in the here and now (an administrator/manager type of decision-making) than in thinking about the future implications of a decision[27]. Vinson also assigned few opinions to himself, apparently preferring to delegate and oversee, again, the attitude of a manager/administrator.

Despite his lack of brilliance, Vinson could possibly still have been and have been thought of as a good, if not great, CJ, if not for the fact that he was simply in the right place at the wrong time. He was simply unable to deal with the personalities, the abilities, and the philosophies of such justices as Frankfurter and Black. The fierce independence of these justices was simply too much for him to overcome.

The Vinson era has been generally considered as the "passive era" of the Court--few big issues, few big decisions, and a majority of simply competent justices. It was also a Court that was marked by divisiveness, both personal and doctrinal[28]. By the time the *Sweatt* and *McLaurin* cases reached the Court, the following justices were poised to hear the cases[29].

There were five leftovers from the Roosevelt Court, a fairly activity court that had largely supported the expanded role of the federal government after the Court-packing fights of the mid-1930s. The five, though all appointed by Roosevelt, did not at all speak with one voice, but instead ranged from the middle to both the conservative (limited judicial activism) and liberal (expanded judicial activism) wings. Hugo Black was

considered the leader of the liberal wing of the court; Stanley Reed generally considered in the middle of the liberal/con wings, and was often a swing vote on the Roosevelt court; Felix Frankfurter was thought of at time of appointment as liberal, but quickly departed from that line and became the intellectual leader of the conservative wing, and was most apparently concerned with developing a record supporting the concept of limited judicial power; William O. Douglas was close to Black's voting record, but increasingly disappointed with the limitations of life on the Court. He differed with Black not in principle but in personality; Robert H. Jackson was closer to Frankfurter in his decisions, but could be erratic and was not a dependable vote for the concept of limited judicial power).

Truman had made four appointments to the Court, virtually all of them in the mold of Vinson: politicians, loyal to Truman, and pragmatic legal practitioners. Harold H. Burton was the first Republican on the Court since the Hoover administration. He was generally a moderate, and was appointed in a bid for bipartisan representation on the Court. Tom C. Clark and Sherman Minton have generally been pilloried as two people most unsuited for seats on the nation's highest judicial body, and with Vinson, made up a mediocre middle of the Court.

Vinson was charged by Truman with bringing order to what had proved to be an ever divisive Court in the end of the Stone tenure. However, the Vinson Court proved to be even more divided than the Stone Court, and indeed was the most divided court up to that time, as measured by the number of non unanimous decisions. Of course, the idea that dissent equal division and that this is a bad thing is hardly universal, unless one subscribes to the view that there is a "right" answer to all legal decisions.

McLaurin and Sweatt

Heman Marion Sweatt, a black student who applied for admission to the Law School at the University of Texas, was refused admission based on his race. UT and state officials agreed to do two things in response to Sweatt. First, they agreed to begin immediate construction of a new law school, estimated to cost about $2 million, that would serve black students. Secondly, they set up a "special" school for Sweatt, located in the basement of a building near the state capitol of Austin, where Sweatt could study until the new school was available. Sweatt refused to attend the temporary school, and his lawyers appealed the case successfully to the US Supreme Court.

G.W. McLaurin, another black student, was fighting for admission to the law school of the University of Oklahoma. McLaurin was actually admitted to the school, but attended classes under a rather peculiar arrangement. McLaurin was generally seated at a desk in the hallway adjacent to the classroom, was seated alone at a separate desk in the school cafeteria, and was also given a lone desk in the school law library. Thus, though McLaurin was actually admitted to the law school and also actually studied in the school, he was not treated in the same fashion as the other students.

The segregated method of instruction was on order from the Oklahoma legislature, which passed a law permitting admission of blacks to public institutions of higher education, but only so long as the actual instruction was done in a segregated manner. Thus, McLaurin at first sat in a cloakroom outside the regular classroom, ate at a separate desk and at a separate time than the white students, and sit at a separate table in the law library. The

arrangements were later modified prior to the Court decision, as McLaurin was allowed in the classroom, in a row set aside for nonwhite students, and was allowed to use the regular tables in the law library, and to eat at the same time as the white students in the cafeteria, so long as he sat at a separate table[30]. As McLaurin noted, this "quite strange and humiliating position hinders me from doing effective work. I can't study and concentrate.[31]" McLaurin's case was also appealed successfully to the US Supreme Court.

Both of these cases were seen as extremely important by both sides in the segregation debate. Of the 17 states that continued to practice de jure segregation, most of the attorneys general of those states filed amicus curiae briefs in support of Texas and Oklahoma. The solicitor general of the US also filed an amicus curiae brief, but filed on behalf of the plaintiffs. That brief argued in favor of overturning the "separate but equal" doctrine.

The National Association for the Advancement of Colored People Legal Defense Fund, led by Thurgood Marshall, took both cases to the Court. While both were important, the focus was on *Sweatt*, as in this case, there was a place to make a stronger argument that separate could never be equal in education. Jack Greenberg, a longtime member of the NAACP Legal Defense Fund, offered this characterization of the LDF plan[32].

Sweatt was designed to be a straight-out attack on segregation, yet containing arguments that would allow the Court to decide for Sweatt without outright reversing *Plessy*. The NAACP had gone with this strategy in a number of cases, hoping for the reversal of *Plessy*, yet not willing to set back the struggle to end segregation by allowing the Court to affirm a lower court if there was no other option than reversing *Plessy*. The NAACP argument noted, first, that *Plessy* need not be considered a precedent for *Sweatt*, since *Plessy* was about railroad travel, not education. Additionally, equal protection prohibits segregation in education since such segregation cannot be justified on any of the usual grounds used in segregation cases. Third, segregation harms blacks, whites and democratic institutions.
Fourth, earlier cases assumed the validity of educational segregation, but had never directly addressed or settled the question. Finally, if Plessy did apply to education, then it should be overruled via the 14th Amendment as the framers of the Amendment had clearly intended not to support the concept of separate but equal.

The brief spent some time discussing the tangible inequities in education for blacks and whites, focusing on education in general and the University of Texas Law School in particular. These elements were used to support two arguments. First, the basic inequalities of the two institutions made them patently unequal and therefore guaranteed that Sweatt would receive an inferior education. Second, the manner in which the inequalities operated (limited funding, limited space, limited contact between students and the public they would serve) made a separate school illegal because such separate schools would always be unequal in operation.

One potential problem with both *Sweatt* and *McLaurin* concerned the argument that overturning Plessy would also overturn all the miscegenation/cohabitation laws. In the brief filed in opposition to *Sweatt* and *McLaurin*, the attorneys general of the Southern states that filed the brief raised this issue, and public opinion in both the south and the north was clearly against such

changes. Lawyers for *Sweatt* and *McLaurin* realized that they could not argue for the overturning of these laws nor could they deny the unconstitutionality of the laws. Their strategy was to "artfully duck"[33] these questions. During the oral argument phase, it was clear that the Court had no desire to raise these issues either.

The Decision

In announcing the decision in both cases, CJ Vinson immediately noted that the Court was strictly limiting itself to a narrow consideration of the issues: "to what extent does the Equal Protection Clause of the Fourteenth Amendment limit the power of a state to distinguish between students of different races in professional and graduate education in a state university?"[34] The larger issue, directly overturning *Plessy* was ignored, and as Vinson noted, must of the written argument was irrelevant to the case[35].

Vinson noted that the state claimed that the restrictions on McLaurin, in that he was allowed in the same class as white students, segregated by separate table for study, class, and dining, were minimal, and clearly in line with the intent of the Oklahoma statute to provide an equal but segregated education, in cases where there were no comparable educational offerings for nonwhite students[36]. The Court disagreed by announcing the heart of the opinion:

> Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession. Our society grows increasingly complex, and our need for trained leaders increases correspondingly. Appelant's case represents, perhaps, the epitome of that need, for he is attempting to obtain an advanced degree in education, to become, by definition, a leader and trainer of others. Those who will come under his guidance and influence must be directly affected by the education he receives. Their own education and development will necessarily suffer to the extent that his training is unequal to his classmates. State-imposed restrictions which produce such inequalities cannot be sustained.[37]

The language in this passage offered the clearest indicator of the power of this decision. When the Court noted that a segregated education would impinge not only on the student being directly denied because of race or color, but would also directly impinge upon all those who may in the future receive training or be under the leadership of that person, the Court effectively ended the possibility of standard practices of segregation. However, it is also important to note that the Court's decision did not effectively outlaw all forms of segregation, even in higher education. The last sentence of the above quotation offers an escape valve for those states that desired to continue segregated education. Legislatures and lower courts were left without a clear ruling by the Supreme Court, and therefore legislatures were free to impose different forms of segregation, and to argue in lower courts that these forms of segregation did not "produce such inequalities" as those present in *McLaurin*.

The decision in *Sweatt* offered arguments in the

same vein as *McLaurin*. The creation of a separate law school by the state of Texas, a law school restricted to nonwhite students (restricting 85% of the population of Texas[38]), could simply never offer the equal training that a law school open to white students could:

> Moreover, although the law is a highly learned profession, we are all aware that it is an intensely practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts.[39]

Once again, though, the Court refused to consider the larger issues, noting that neither *Sweatt* nor *McLaurin* called into question *Plessy*: Though the respondents wished to use *Plessy* to continue segregated education, and the appellants wanted *Plessy* overturned, the Court did neither.

Implications

The language in the Sweatt and McLaurin decision appeared to have some influence on the NAACP decision to take an aggressive position in the attack on segregation. The continuing erosion of the "separate but equal" doctrine evidenced in *Sweatt* and *McLaurin*, as well as the formal removal of separate but equal provisions in other professional and graduate schools led to the belief that the time was right to attack segregation in all areas of education. To meet the call for truly equal but separate schools, the financial cost was considered prohibitive. If the courts were to allow separate but equal, then it appeared that these program would truly have to be equal. Estimates of bringing the public schools in the South that served black students up to the level of the schools for the white students ranged as high as $2 billion, an amount that was not feasible for either the states or the nation to consider.

Though the cases were won, and theoretically blacks could enter all levels of higher education, that is not how it worked out in practice. Most southern states continued to operate as if separate but equal was still the undisputed law of the land, and the NAACP was forced to litigate again and again for the right of students to enter higher education. In addition, allowing blacks to enter higher education didn't guarantee that elementary and high school education would prepare students for higher education. Sweatt did not graduate from UT. Black students primarily went to the black law school developed in Houston.

The narrowness of the decision probably made possible the unanimity of the Court on this issue, which added to the power of the decision. But the failure of the Court to definitively decide the issue left the question in balance. State courts and state legislatures were still free to set up segregated faculties so long as they could get a court to agree that the segregated facilities offered equal education. Thus, the Court set itself up for continuing hearings on the issue, and left the door ajar for the possibility of a case that would finally overturn Plessy[40].

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Endnotes

[1]Brown v. Board of Education of Topeka. 347 U.S. 483 (1954).

[2]McLaurin v. Oklahoma State Regents. 339 U.S. 637 (1950).

[3]Sweatt v. Painter. 339 U.S. 629 (1950).

[4]Plessy v. Ferguson. 163 U.S. 537 (1896).

[5]Washington, Alexandria & Georgetown R. Co. v. Brown. 17 Wall. 445 (1873).

[6]Pritchett, C. Herman. Civil Liberties and the Vinson Court. University of Chicago Press, Chicago, IL: 1966. (pp. 123-24).

[7]Pritchett, p. 124.

[8]Hall v Decuir. 95 U.S. 485 (1878).

[9]Civil Rights Cases. 109 U.S. 3 (1883).

[10]Louisville, Texas, & New Orleans R. Co. v. Mississippi. 133 U.S. 587 (1890).

[11]Chiles v. C. & O. Rwy. Co. 218 U.S. 71 (1910).

[12]South Covington & Cincinnati Street Railway Co. v. Kentucky. 252 U.S. 399 (1920).

[13]South Covington & Cincinnati Street Railway Co. v. Covington. 235 U.S. 537 (1915).

[14]Pritchett, 129.

[15]Cumming v. Richmond County Board of Education. 175 U.S. 528 (1899).

[16]Pritchett, 129-130.

[17]Berea College v. Kentucky. 211 U.S. 45 (1908).

[18]Gong Lum v. Rice. 275 U.S. 78 (1927).

[19]Missouri ex rel. Gaines v. Canada. 305 U.S. 337 (1938).

[20]Sipuel v. Board of Regents of the U. of Oklahoma. 332 U.S. 631 (1948)

[21]Fisher v. Hurst. 333 U.S. 147 (1948).

[22]Pritchett, 1.

[23]Urofsky, Melvin I. Division and Discord: The Supreme Court Under Stone and Vinson. Columbia, SC: USCP, 1997.

[24]Urofsky, 148.

[25]Urofsky, 149.

[26]Urofsky, 149.

[27] Thomson, James A. "Frederick Moore Vinson" in Melvin Urofsky, ed. The Supreme Court Justices: A Biographical Dictionary. New York: Garland, 1994, pp.489.

[28]Pritchett, 1-2.

[29]Pritchett, 17-20.

[30]Pritchett, 132.

[31]Stevenson, Janet. The School Segregation Cases. New York: Franklin Watts, Inc. (1973).

[32]Greenberg, Jack. Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution. New York: BasicBooks, 1994.

[33]Greenberg, 72.

[34]Sweatt at 631.

[35]Sweatt at 631.

[36]McLaurin at 641.

[37]McLaurin at 641.

[38]Sweatt at 634.

[39]Sweatt at 634.

[40]Pritchett, 136.